



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 25 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Greenwell
President
Reliable Plating Corporation
1538 West Lake Street
Chicago, Illinois 60607

Re: Reliable Plating Corporation
Administrative Consent Order EPA 5-13-113(a)-IL-10

Dear Mr. Greenwell:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case.

If you have any questions about the Order, please contact Ray Cullen at (312) 886-0538 or Kasey Barton, Associate Regional Counsel, at (312) 886-7163.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah G. Marshall".

Sarah G. Marshall
Chief
Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosure

cc: Ray Pilapil, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-13-113(a)-IL-10
)	
Reliable Plating Corporation)	Proceeding Under Sections 113(a)(3) and
Chicago, Illinois)	114(a)(1) of the Clean Air Act, 42 U.S.C.
)	§§ 7413(a)(3) and 7414(a)(1)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to Reliable Plating Corporation (Reliable Plating) under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

Statutory and Regulatory Background

2. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations for particular industrial sources that emit one or more of the hazardous air pollutants (HAPs) listed in Section 112(b) of the CAA, 42 U.S.C. § 7412(b), in significant quantities. EPA codifies these regulations at 40 C.F.R. Part 63.

3. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3); and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to such source.

4. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 40 C.F.R. Part 63, Subpart N, 40 C.F.R. § 63.340 *et seq.* (Subpart N). *See 60 Fed. Reg.* 4948 (January 25, 1995).

5. Pursuant to 40 C.F.R. § 63.340(a), Subpart N applies, in part, to each chromium electroplating tank at facilities performing decorative chromium electroplating.

6. Subpart N, at 40 C.F.R. § 63.341(a), defines “decorative chromium electroplating” as the process by which a thin layer of chromium (typically 0.003 to 2.5 microns) is electrodeposited on a base metal, plastic, or undercoating to provide a bright surface with wear and tarnish resistance.

7. Subpart N, at 40 C.F.R. § 63.341, defines “wetting agent” as the type of chemical fume suppressant that reduces the surface tension of a liquid.

8. Subpart N, at 40 C.F.R. § 63.343(c)(5), provides that for affected sources that use a wetting agent/fume suppressant to meet the applicable emission limits under the NESHAP, the owner or operator shall monitor surface tension of each tank to demonstrate continuous compliance as specified by 40 C.F.R. § 63.345(c)(5)(A) through (C). The minimum frequency of monitoring allowed by Subpart N is once every 40 hours of tank operation.

9. Subpart N, at 40 C.F.R. §§ 63.340(b) and 63.346(a), provides that the owner or operator of an affected source subject to the provisions of Subpart N must also comply with the requirements of Subpart A of Part 63 (General Provisions) according to the applicability of Subpart A to such source, as identified in Table 1 of Subpart N.

10. Table 1 of Subpart N lists 40 C.F.R. §§ 63.4 and 63.10(b)(1) of the General Provisions as applicable to Subpart N.

11. The General Provisions, at 40 C.F.R. § 63.4(a)(2), provide that no owner or operator subject to the provisions of Subpart A shall fail to keep records, notify, report, or revise reports as required under Subpart A.

12. The General Provisions, at 40 C.F.R. § 63.10(b)(1), require the owner or operator of an affected source subject to the provisions of Part 63 to maintain files of all information required by Part 63 recorded in a form suitable and readily available for expeditious inspection and review. The files shall be retained for at least 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

13. Subpart N, at 40 C.F.R. § 63.346(b)(11), requires the owner or operator of an affected source subject to the provisions of Subpart N to maintain records of the total process operating time of the affected source during the reporting period.

14. Subpart N, at 40 C.F.R. § 63.341(a), defines “tank operation,” in part, as the time in which current and/or voltage is being applied to a chromium electroplating tank.

15. Subpart N, at 40 C.F.R. § 63.347(h)(1), requires the owner or operator of an affected source that is located at an area source site to prepare annually a summary report to document the ongoing compliance status of the affected source that contains the information in 40 C.F.R. § 63.347(g)(3).

16. The General Provisions, at 40 C.F.R. § 63.2, define an “area source” as any stationary source of HAPs that is not a “major source,” which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs.

17. Subpart N, at 40 C.F.R. § 63.347(g)(3)(vi), requires that the ongoing compliance status report contain the total operating time of the affected source during the reporting period.

18. Pursuant to Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated

or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

19. The Administrator of EPA may require any person who owns or operates an emission source to establish and maintain records and to make reports under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

20. Reliable Plating owns and operates a plating facility at 1538 West Lake Street, Chicago, Illinois (the Facility), where it conducts, among other things, “decorative chromium electroplating,” as that term is defined at 40 C.F.R. § 63.341(a).

21. The Facility is an “area source,” as that term is defined at 40 C.F.R. § 63.2.

22. The Facility contains five decorative chromium electroplating tanks (which Reliable Plating identifies as Tanks 2-P-16, 7-P-6, 8-P-5, 8-P-6, and 9-P-7) that are subject to Subpart N, in accordance with 40 C.F.R. § 63.340(a).

23. On February 7, 2013, EPA inspected the Facility to, among other things, assess Reliable Plating’s compliance with Subpart N. On June 6, 2013, Reliable Plating provided, in response to an email from EPA, additional information relating to its recordkeeping practices for the five decorative chromium electroplating tanks.

24. Reliable Plating owns and operates an “emission source” within the meaning of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Reliable Plating is therefore subject to the requirements of Section 114(a)(1).

25. Reliable Plating adds a "wetting agent," as that term is defined 40 C.F.R. § 63.341, to the five decorative chromium electroplating tanks to comply with the applicable emission limits under Subpart N.

26. Based on information obtained during the inspection and the June 6, 2013 email to EPA, Reliable Plating has failed to maintain records of the operating time of its five decorative chromium electroplating tanks, as required by 40 C.F.R. §§ 63.4(a)(2), 63.10(b)(1), 63.340(b), 63.346(a), and 63.346(b)(11).

Compliance Program

27. By the effective date of this Order, Reliable Plating must record the process operating time of each of the decorative chromium electroplating tanks (2-P-16, 7-P-6, 8-P-5, 8-P-6, and 9-P-7) at the Facility, as required by 40 C.F.R. § 63.4(a)(2), 63.10(b)(1), 63.340(b), 63.346(a), and 63.346(b)(11). The operating time is the time in which current and/or voltage is being applied to the tank.

28. By January 31 of each year, as required by 40 C.F.R. § 63.347(h)(1), Reliable Plating must prepare annually a summary report to document the ongoing compliance status of each of the decorative chromium electroplating tanks at the Facility that contains the information in 40 C.F.R. § 63.347(g)(3), including the total operating time of each tank during the reporting period in accordance with 40 C.F.R. § 63.347(g)(3)(vi). Reliable Plating must keep this report in a readily-accessible location at the Facility.

29. By February 28, 2014, Reliable Plating must submit the compliance status report to EPA that it prepares for reporting year 2013. For succeeding reporting years, Reliable Plating is not required to submit the compliance status report to EPA unless the total duration of excess emissions (as indicated by the monitoring data collected in accordance with 40 C.F.R.

§ 63.343(c)) is 1 percent or greater of the total operating time for the reporting period, in which case, Reliable Plating shall submit the report to EPA and shall continue to submit these reports semiannually until EPA approves a request to reduce reporting frequency under 40 C.F.R.

§ 63.347(h)(3).

30. By the effective date of this Order, Reliable Plating shall be in compliance with all applicable requirements of Subpart N and the CAA.

31. Reliable Plating must send all reports required by this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

32. Reliable Plating agrees to the terms of this Order and further agrees that it will not contest the basis or validity of this Order. Reliable Plating waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Reliable Plating may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review of this Order under 42 U.S.C. § 7607(b)(1) or 5 U.S.C. §§ 701-706.

33. This Order does not affect Reliable Plating's responsibility to comply with other federal, state, and local laws.

34. This Order does not restrict EPA's authority to enforce Section 112 of the CAA, 42 U.S.C. § 7412, or any other section of the CAA.

35. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for Reliable Plating's violations of Subpart N or any other violations of the CAA.

36. Failure to comply with this Order may subject Reliable Plating to penalties of up to \$37,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

37. The terms of this Order are binding on Reliable Plating, its assignees, and successors. Reliable Plating must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

38. Reliable Plating may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Reliable Plating fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

39. This order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. Submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

40. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

41. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Reliable Plating has complied with all terms of the Order throughout its duration.

9/18/2013
Date

James Greenwell
James Greenwell
President
Reliable Plating Corporation

9/25/13
Date

George T. Czerniak
George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

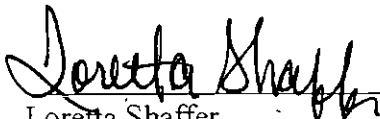
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-IL-10, by certified mail, return receipt requested, to:

James Greenwell
President
Reliable Plating Corporation
1538 West Lake Street
Chicago, Illinois 60607

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-13-113(a)-IL-10, by first-class mail to:

Ray Pilapil
Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

on the 26th day of September, 2013.


Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 5732